

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES of the CHICAGO REGIONAL)	
COUNCIL OF CARPENTERS PENSION)	
FUND, et al.,)	
)	Case No. 18 cv 4754
Plaintiffs,)	
)	
)	Judge Edmond E. Chang
v.)	
)	
PAN AMERICAN CONCRETE COMPANY,)	
)	
Defendant.)	

Motion for Judgment

Plaintiffs, by its attorney, Daniel P. McAnally, move this Honorable Court to enter Judgment according to Fed. R. Civ. P. 55 and in support of this Motion the Plaintiffs state:

1. This is and ERISA trust fund case seeking delinquent contributions, interest, liquidated damages, dues check-off and attorney fees.

2. On August 23, 2018 this Court entered an Order of Default against the Defendant for its failure to answer the complaint.

3. The Defendant submitted the monthly contribution reports but failed to submit the ERISA contributions shown to be owed in the amount of \$13,612.75 for the months of May 2018 through June 2018. The Defendant also failed to remit the union dues it withheld from the employees' wages. The amount of dues withheld is \$649.11 for the month of June 2018. (Exhibit A, affidavit of Kristina M. Guastaferrri, CPA, Administrator, Chicago Regional Council of Carpenters Benefit Funds)

4. The Defendant submitted the monthly contribution reports but failed to submit the ERISA contributions shown to be owed in the amount of \$13,612.75 for the months of May 2018 through June 2018. The Defendant also failed to remit the union dues it withheld from the employees' wages. The amount of dues withheld is \$649.11 for the period June 2018. (Exhibit A, affidavit of Kristina M. Guastaferrri, CPA, Administrator, Chicago Regional Council of Carpenters Benefit Funds)

5. The Defendant owes interest on the unpaid ERISA contributions in the amount of \$92.70 pursuant to the Trust Agreements and 29 U.S.C. §1132(g)(2)(B). (Exhibit A)

6. The Defendant owes liquidated damages on the unpaid ERISA contributions in the amount of \$4,539.61 for the period October 2017 through June 2018 pursuant to the Collective Bargaining Agreements, the Trust Agreements and 29 U.S.C. §1132(g)(2)(C)(ii). (Exhibit A)

7. The Defendant owes the sum of \$4,300.00 for necessary and reasonable attorney fees and costs of \$460.00 which are collectible under the terms of the Collective Bargaining Agreement, the Trust Agreements and 29 U.S.C. §1132(g)(2)(D). (Exhibit B, affidavit of Daniel P. McAnally)

WHEREFORE, Plaintiffs pray that their motion for judgment be granted in the amount of **\$23,654.17**.

Respectively submitted,

s/ Daniel P. McAnally
Attorney for Plaintiffs

McGann, Ketterman & Rioux
111 E. Wacker Drive - Suite 2600
Chicago, IL 60601
(312) 251-9700
dmcanally@mkrlaborlaw.com